



PROPOSED RULE MAKING

CR-102 (August 2017)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: May 20, 2022

TIME: 12:42 PM

WSR 22-12-015

Agency: Office of the Secretary of State

☒ **Original Notice**

☐ **Supplemental Notice to WSR** _____

☐ **Continuance of WSR** _____

☒ **Preproposal Statement of Inquiry was filed as WSR** 22-08-096 ; or

☐ **Expedited Rule Making--Proposed notice was filed as WSR** _____; or

☐ **Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).**

☐ **Proposal is exempt under RCW** _____.

Title of rule and other identifying information: (describe subject) Protecting county vote counting systems from unauthorized access.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
7/5/2022	1:00 P.M.	520 Union Ave Olympia, 98504	The hearing will be conducted using Teams, to join the hearing a person can call the following telephone number (1-206-899-2560) and enter the Conference ID (267 267 330#). People will be able to hear and comment.

Date of intended adoption: 7/6/2022 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Fina Ormond
Address: PO Box 40229, Olympia, WA 98504
Email: fina.ormond@sos.wa.gov
Fax: 360-664-4169
Other:
By (date)

Assistance for persons with disabilities:

Contact Fina Ormond
Phone: 360-902-4146
Fax: 360-664-4169
TTY:
Email: Fina.ormond@sos.wa.gov
Other:
By (date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The rule change is necessary to protect county vote counting systems from unauthorized access, provide clear requirements related to access and operation of vote counting systems, and clarify prohibition against allowing vote counting access to non-authorized parties

Reasons supporting proposal: Consistency in operation in all county election offices within the state, and enhancing security of the ballot counting process.			
Statutory authority for adoption: 29A.04.230; RCW 29A.04.611; 29A.12.190; 29A.12.200; RCW 42.56.420			
Statute being implemented:			
Is rule necessary because of a:			
Federal Law?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If yes, CITATION:			
Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:			
Name of proponent: (person or organization) Randy Bolerjack, Deputy Secretary of State		<input type="checkbox"/> Private <input type="checkbox"/> Public <input checked="" type="checkbox"/> Governmental	
Name of agency personnel responsible for:			
	Name	Office Location	Phone
Drafting:	Stuart Holmes	Olympia	360-902-4151
Implementation:	Stuart Holmes	Olympia	360-902-4151
Enforcement:	Stuart Holmes	Olympia	360-902-4151
Is a school district fiscal impact statement required under RCW 28A.305.135?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If yes, insert statement here:			
The public may obtain a copy of the school district fiscal impact statement by contacting: Name: Address: Phone: Fax: TTY: Email: Other:			
Is a cost-benefit analysis required under RCW 34.05.328?			
<input type="checkbox"/> Yes: A preliminary cost-benefit analysis may be obtained by contacting: Name: Address: Phone: Fax: TTY: Email: Other:			
<input checked="" type="checkbox"/> No: Please explain:			

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

☐ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

☐ This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

☒ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

☒ RCW 34.05.310 (4)(b)
(Internal government operations)

☐ RCW 34.05.310 (4)(c)
(Incorporation by reference)

☐ RCW 34.05.310 (4)(d)
(Correct or clarify language)

☐ RCW 34.05.310 (4)(e)
(Dictated by statute)

☐ RCW 34.05.310 (4)(f)
(Set or adjust fees)

☐ RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

☐ This rule proposal, or portions of the proposal, is exempt under RCW ____.

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

☐ No Briefly summarize the agency's analysis showing how costs were calculated. _____

☐ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Date: 5/20/2022

Name: Randy Bolerjack

Title: Deputy Secretary of State

Signature:

